



CASE NO: PH72

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF: Cherney

SERIAL NO.: 10/027,644

GROUP ART UNIT: 1626

FILED: 12/20/01

EXAMINER: Solola, T. A.

FOR: Cyclic Derivatives as Modulators of Chemokine Receptor Activity

Asst. Commissioner for Patents
Washington, D.C. 20231RESPONSE TO REQUEST FOR ELECTION OF SPECIES

Sir:

In response to the requirement to elect a single disclosed species in the above-identified patent application, Applicants elect Example 1, N-[2-[[[(1S,2S)-2-[[[(4-Chlorophenyl)methyl]amino]cyclohexyl]amino]-2-oxoethyl]-3-(trifluoromethyl)benzamide, disclosed in Table 1 on page 186 of the present application. However, Applicants understand this requirement for election of species to be for initial examination purposes only, in accordance with MPEP §803.02, and this should not be a requirement to restrict the scope of the generic and subgeneric claims of this application to such species. If the Office Action is a requirement to restrict the scope of the generic and subgeneric claims to the elected species, Applicants traverse this requirement. Such a requirement would be improper, for the reasons stated in MPEP §803.02, first paragraph. Upon a finding that the elected species is patentable, the search should be extended to cover the non-elected species.

Respectfully submitted,

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DATE: January 3, 2003